

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

RIGOBERTO ARZATE MIRANDA,  
Petitioner,  
vs.  
UNITED STATES OF AMERICA, et al.,  
Respondents.

Civil No. 11-2002 BEN (WMC)  
**ORDER DENYING IN FORMA  
PAUPERIS APPLICATIONS AS MOOT**  
[ECF Nos. 19, 21]

On August 29, 2011, Petitioner, a federal prisoner, proceeding pro se, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 together with a motion to proceed in forma pauperis. (See ECF No. 1.) On September 2, 2011, the motion to proceed in forma pauperis was denied, and the case was dismissed without prejudice and with leave to amend, because Petitioner had enough money in his trust account to pay the \$5.00 filing fee. (See ECF No. 3.) Petitioner was instructed that if he wished to proceed with this case, he had until November 7, 2011, to either pay the \$5.00 filing fee or submit adequate proof of his inability to pay the fee. (*Id.*)


On September 19, 2011, Petitioner submitted a motion to proceed in forma pauperis in which he explained that he had sent two separate \$5.00 checks to the Court to comply with the Court's September 2, 2011, Order. (See ECF No. 7.) On November 7, 2011, the Court informed Petitioner that the funds were inadvertently routed to Petitioner's criminal case (*United States v. Miranda*, 07-cr-0556 DMS) instead of his civil habeas case, then returned to him because his criminal case is closed. (See

1 Nov. 7 Order, ECF No. 10.) Petitioner was directed to resubmit the \$5.00 filing fee no later than January  
2 9, 2012. (*Id.*)

3 On November 28, 2011, Petitioner filed two separate motions to proceed in forma pauperis. (*See*  
4 ECF Nos. 19, 21.) On December 8, 2011, Petitioner submitted the \$5.00 filing fee. Because the fee has  
5 been paid, the motions to proceed in forma pauperis (ECF Nos. 19, 21) are **DENIED** as moot.

6  
7 **IT IS SO ORDERED.**

8 DATED: December 29, 2011

  
HON. ROGER T. BENITEZ  
United States District Court Judge